



## COMMISSIONER FOR PATENTS

FORM PTO-2053-B (REV. 10/03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

David Edwards, et al.

Application No.:

10/771,551-Conf. #2801

Filing Date:

February 5, 2004

Title:

INHALATION DEVICE AND METHOD

Direct to:

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Dec. 29, 2004

Date

Signature

Andrea G. Reister (Reg. No. 36,253)

Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Foreign Priority Papers submitting on 06/25/2004

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

James Murphy

(703) 305-6890

Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Edwards et al.

Application No.: 10/771,551

Confirmation No.: 2801

Filed: February 5, 2004

Art Unit: N/A

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE UNDER 37 CFR 1.251- PENDING APPLICATION**

**MS Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Notice Under 37 C.F.R. § 1.251 - Pending Application indicates that "Foreign Priority Papers submitting on 06/25/2004" for the above-captioned application cannot be located after a reasonable search. Applicants provide herewith a copy of each of the documents listed below that was filed in the above-captioned application on 06/25/2004. No foreign priority papers were filed in the above-captioned application at any time. A complete copy of the Notice Under 37 C.F.R. § 1.251 is also filed herewith.

The following documents were filed on 06/25/2004 in the above-captioned application, and a complete and accurate copy of Applicant's records for such documents are filed herewith:

1. Transmittal letter;
2. Fee transmittal;
3. Statement under 37 C.F.R. § 1.63(d)(2);
4. Request for Corrected Filing Receipt;

5. Marked-up copy of the official Filing Receipt with corrections highlighted in red (red highlight in original only);

6. Check No. 330526 for \$130.00 to cover the processing fee for correction of inventorship; and

7. Return receipt postcard, date stamped to evidence receipt of each of the above documents on June 25, 2004.

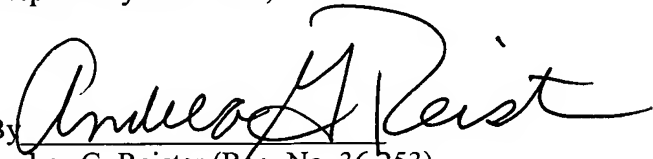
In response to the filing of the above documents, the U.S. Patent and Trademark Office mailed a Corrected Filing Receipt on 07/29/2004. A copy of the Corrected Filing Receipt is also filed herewith.

Applicants believe that a full and complete response has been made to the Notice Under 37 C.F.R. § 1.251 and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: December 29, 2004

Respectfully submitted,

By   
Andrea G. Reister (Reg. No. 36,253)  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401  
(202) 662-6000  
Attorney for Applicant

Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
David Edwards et al.

Application No.: 10/771,551

Group Art Unit: 3743

Filed: February 5, 2004

Examiner: Not Yet Assigned

For: INHALATION DEVICE AND METHOD

**TRANSMITTAL LETTER**

**Filing Receipt Corrections**  
**Office of Initial Patent Examination**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Fee Transmittal;
2. Statement under 37 C.F.R. 1.63(d)(2);
3. Request for Corrected Filing Receipt;
4. Marked-up copy of the official Filing Receipt;
5. Check No. 330526 for \$130.00 to cover the processing fee for change of inventorship; and
6. Return receipt postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 000166.0109-US02. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: June 25, 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No.: 36,253

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant



Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Edwards et al.

Application No.: 10/771,551

Filed: February 5, 2004

For: INHALATION DEVICE AND METHOD

Conf. No.: 2801

Group Art Unit: N/A

Examiner: Not Yet Assigned

**TRANSMITTAL LETTER**

**MS Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Notice Under 37 CFR 1.251 – Pending Application;
2. Copy of Notice Under 37 CFR 1.251 – Pending Application;
3. Copy of Transmittal Letter (Filing Receipt Correction) dated 6/25/2004;
4. Copy of Fee Transmittal dated 6/25/2004;
5. Copy of Statement Under 37 C.F.R. § 1.63(d)(2) dated 6/25/2004;
6. Copy of Request for Corrected Filing Receipt dated 6/25/2004;
7. Copy of Marked-up copy of the official Filing Receipt with corrections highlighted in red (red highlight in original only) dated 6/25/2004;

8. Copy of Check No. 330526 for \$130.00 to cover the processing fee for correction of inventorship;
9. Copy of return receipt postcard, date stamped to evidence receipt of documents filed on June 25, 2004;
10. Copy of Corrected Filing Receipt, dated 7/29/2004; and
11. Return receipt postcard.

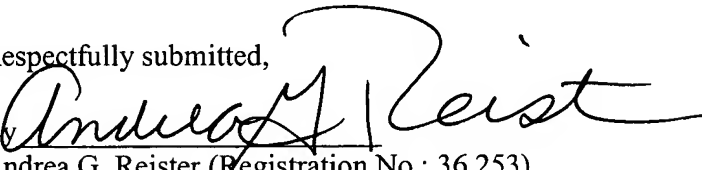
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Order No. 000166.0109-US02. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: December 29, 2004

Respectfully submitted,

By

  
Andrea G. Reister (Registration No.: 36,253)  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401  
(202) 662-6000  
Attorney for Applicant



FEE TRANSMITTAL for FY 2004		Complete if Known	
Effective 10/01/2003. Patent fees are subject to annual revision.		Application Number	10/771,551-Conf. #2801
		Filing Date	February 5, 2004
		First Named Inventor	David Edwards
		Examiner Name	Not Yet Assigned
		Art Unit	3743
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	000166.0109-US02
TOTAL AMOUNT OF PAYMENT (\$)		130.00	

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																							
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">50-0740</span> Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Covington &amp; Burling</span> The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<h3 style="margin: 0;">3. ADDITIONAL FEES</h3> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>840</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) 1808 Processing fee, except in provisional applications</td><td>130.00</td></tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	840	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify) 1808 Processing fee, except in provisional applications				130.00
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<h3 style="margin: 0;">1. BASIC FILING FEE</h3> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>770</td><td>2001</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>340</td><td>2002</td><td>170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>530</td><td>2003</td><td>265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>770</td><td>2004</td><td>385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (1) (\$)</p> <p style="text-align: right;">0.00</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	770	2001	385	Utility filing fee		1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee																																																																																																																																																	
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<h3 style="margin: 0;">2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</h3> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>88</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>290</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>88</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (2) (\$)</p> <p style="text-align: right;">0.00</p> <p style="font-size: 0.7em;">**or number previously paid, if greater; For Reissues, see above</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	88	2201	43	Independent claims in excess of 3		1203	290	2203	145	Multiple dependent claim, if not paid		1204	88	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																	
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<h3 style="margin: 0;">SUBMITTED BY</h3> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td>Name (Print/Type)</td> <td>Andrea G. Reister</td> <td>Registration No. (Attorney/Agent)</td> <td>36,253</td> <td>Telephone</td> <td>(202) 662-6000</td> </tr> <tr> <td>Signature</td> <td colspan="2" style="text-align: center;"></td> <td>Date</td> <td colspan="2">June 25, 2004</td> </tr> </table>		Name (Print/Type)	Andrea G. Reister	Registration No. (Attorney/Agent)	36,253	Telephone	(202) 662-6000	Signature			Date	June 25, 2004		<h3 style="margin: 0;">SUBTOTAL (3) (\$)</h3> <p style="text-align: right; font-weight: bold;">130.00</p>																																																																																																																																																																										
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Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Edwards et al.

Application No.: 10/771,551

Confirmation No.: 2801

Filed: February 5, 2004

Art Unit: 3743

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

**STATEMENT UNDER 37 C.F.R. 1.63(D)(2)**

Filing Receipt Corrections  
Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.63(d)(2), it is hereby requested that the following inventors be deleted because they are not inventors of the subject matter claimed in the above-captioned divisional application:

Sarah Dressen;

Mark DeLong;

Andrew Jones;

Ryan McManus;

Margaret Millar Saunders;

Robert W. Spaller; and

Andrew Ziegler.

The above-captioned application is a divisional of prior application number 10/268,059, filed October 10, 2002. In accordance with 37 C.F.R. § 1.63(d)(1), a newly executed oath or declaration is not required in a divisional application provided that the divisional application is filed by all or fewer than all of the inventors named in the prior application, and that a copy of the declaration filed in the prior application is submitted for the divisional application. The above-captioned application was filed by fewer than all of the inventors named in the prior application, and a copy of the declaration filed in the prior application was submitted. In accordance with 37 C.F.R. § 1.63(d)(2), the copy of the declaration in the divisional application must be accompanied by a statement requesting the deletion of the names of the persons who are not inventors in the divisional application. The U.S. Patent and Trademark Office is hereby requested to treat this paper as the statement under 37 C.F.R. § 1.63(d)(2), and delete the names of the persons listed above who are not inventors in the above-captioned divisional application.

Dated: June 25, 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No. 36,253

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant

Docket No.: 000166.0109-US02  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Edwards et al.

Application No.: 10/771,551

Confirmation No.: 2801

Filed: February 5, 2004

Art Unit: 3743

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

**REQUEST FOR CORRECTED FILING RECEIPT**

Filing Receipt Corrections  
Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the above-identified patent application. It is requested that the inventorship data be corrected as listed below. A marked-up copy of the filing receipt with changes noted in red is attached.

The above-identified application is a divisional application that has fewer than all of the inventors named in the prior application. This Request for Corrected Filing Receipt is filed concurrently with a Statement under 37 CFR § 1.63(d)(2), which allows the deletion of inventors without the filing of a new oath or declaration. The Application Data Sheet filed with the divisional application was correct in that it listed only the inventors that contributed to the claims in this divisional application.

Under the section for Applicant(s), please delete the name of the following inventors:

Sarah Dressen;

Mark DeLong;

Andrew Jones;

Ryan McManus;

Margaret Millar Saunders;

Robert W. Spaller; and

Andrew Ziegler.

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Dated: June 25, 2004

Respectfully submitted,

By

  
Andrea G. Reister

Registration No.: 36,253

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/771,551	02/05/2004	3743	1856	000166.0109-US02	20	66	6

26853  
 COVINGTON & BURLING  
 ATTN: PATENT DOCKETING  
 1201 PENNSYLVANIA AVENUE, N.W.  
 WASHINGTON, DC 20004-2401

CONFIRMATION NO. 2801

## FILING RECEIPT



\*OC000000012529509\*

Date Mailed: 05/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David Edwards, Boston, MA;  
 Colleen Conlon, Somerville, MA;  
 David L. Foshee, Apex, NC;  
 Jason R. Durkin, Apex, NC;  
 Tim Coker, Merrimack, NH;  
 Kevin Stapleton, Boston, MA;  
~~Sarah Dreesen, Medford, MA;~~  
~~Mark DeLong, Newton, MA;~~  
~~Andrew Jones, Roslindale, MA;~~  
~~Ryan McManus, Cambridge, MA;~~  
~~Margaret Millar Saunders, Cambridge, MA;~~  
~~Robert W. Spaller, Amesbury, MA;~~  
~~Andrew Ziegler, Arlington, MA;~~

## Assignment For Published Patent Application

Advanced Inhalation Research, Inc., Cambridge, MA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 10/268,059 10/10/2002 PAT 6,732,732  
 which is a CIP of 09/835,302 04/16/2001

## Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2004

**Projected Publication Date:** 08/12/2004

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Inhalation device and method

**Preliminary Class**

128

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/771,551	02/05/2004	3743	1856	000166.0109-US02	20	66	6

26853  
 COVINGTON & BURLING  
 ATTN: PATENT DOCKETING  
 1201 PENNSYLVANIA AVENUE, N.W.  
 WASHINGTON, DC 20004-2401

CONFIRMATION NO. 2801

## CORRECTED FILING RECEIPT



\*OC000000013383166\*

Date Mailed: 07/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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 Kevin Stapleton, Boston, MA;

## Assignment For Published Patent Application

Advanced Inhalation Research, Inc., Cambridge, MA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 10/268,059 10/10/2002 PAT 6,732,732  
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## Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2004

Projected Publication Date: 08/12/2004

Non-Publication Request: No

Early Publication Request: No



**Title**

Inhalation device and method

**Preliminary Class**

128

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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REFERENCE NO.	INVOICE NO.	INV. DATE	INVOICE AMOUNT	REQ. NO.	DESCRIPTION
1048589 000166.00109	010507	06-24-04	130.00	04290	COMMISSIONER OF PATENTS AND TRADEMARKS - Processing fee to correct inventorship for 000166.00109-US02 (MBN)
TOTAL			\$ 130.00	DISCNT	\$0.00 NET \$ 130.00

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Date: February 5, 2004 Atty Docket No.: 000166.0109-US02

Inventor: David Edwards et al.

Application No.: 10/771,551

Filing Date: February 5, 2004

Title: INHALATION DEVICE AND METHOD

**Documents Filed:**

Transmittal Letter (in duplicate);

Fee Transmittal;

Statement under 37 C.F.R. § 1.63(d)(2);

Request for Corrected Filing Receipt;

Marked-up copy of the official Filing Receipt with corrections highlighted in red;

Check No. 330526 for \$130.00 to cover the processing fee for correction of inventorship; and

Return receipt postcard.

Date: February 5, 2004

Atty Docket No.: 000166.0109-US02

Inventor: David Edwards et al.

Application No.: 10/771,551

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Marked-up copy of the official Filing Receipt with corrections highlighted in red;

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Return receipt postcard.



**STAMP AND RETURN**